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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,306

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Pierre Mellier

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6674

30593

7590

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EXAMINER

PARDO, THUY N

ART UNIT

PAPER NUMBER

2168

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/518,306	<b>Applicant(s)</b> MELLIER ET AL.	
	<b>Examiner</b> Thuy N. Pardo	<b>Art Unit</b> 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

1. Applicant's Amendment filed December 23, 2008 in response to Examiner's Office Action has been reviewed. Claims 1-6 are pending in the application, Claims 1-6 are amended. This Office Action is made Final.

#### ***Specification***

2. Applicant is reminded that this application does not contain a (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74. Correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tantawy et al. (Hereinafter "Tantawy") US Patent No. 6,597,891 in view of Klarfeld et al. (Hereinafter "Klarfeld") US Patent Application Publication No. 2003/0067554.

Referring to claim 1, Tantawy teaches a method for validating broadcasting conditions of digital content [delivery of digital content removes several barrier to pirating and unauthorized

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over the Internet, col. 1, lines 21-55] by using a diffuser having a first set of data describing a structural configuration of a broadcast [selection identifier and address of an appropriate server selected from the user, col. 6, lines 31-39], a second set of data describing operational conditions of the diffuser [contents, schedules and times from Digital content store, col. 6, lines 29-64] and a third set of data describing conditions defined by a supplier of the digital content including operational conditions and structural conditions [The Broadcast Control Center 6 transmits secured containers containing Digital Content packets 12 via wire and wireless telecommunications networks as sequences of packets to the Filter Module 4, col. 4, lines 10-15], the method comprising:

receiving the third set of data defined by the supplier [contents, schedules and times from Digital content store, col. 6, lines 29-64] for at least one digital content and storing the third set of data in a database of the diffuser [digital content store 103 of fig. 1], operational conditions of the broadcast by introducing at least the time and date of the broadcast in order to set the second set of data [together with tuning information and assembly information and at schedule time to filter the request digital content, col. 6, lines 39-64],

extracting from the database, the third set of data related to the digital content [digital content packet, col. 4, lines 18-27; packet ID for collecting from all required conditions, col. 9, lines 1 to col. 10, lines 54],

verifying, for the digital content based on the third set of data, the broadcast conditions set forth in the first set of data and the second set of data [filtering the desired packet packets out of the multiplexed broadcast stream, col. 5, lines 7-9], and

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emitting a corresponding report on the verification step [send a FIN (Finish) message to the Broadcast Control Center, col. 5, lines 13-15].

However, Tantawy does not explicitly teach preparing the broadcast of the digital content by establishing a structural configuration of the broadcast by introducing characteristics of different equipments intended for broadcasting in order to set the first set of data.

Klarfeld teaches preparing the broadcast of the digital content by establishing a structural configuration of the broadcast [see fig. 1; sample for selection record, fig. 13-14] by introducing characteristics of different equipments intended for broadcasting in order to set the first set of data [different set of programs for different demographic characteristics, 0131; 0142; sending advertisements on different channels or digital multiplex streams, using different delivery mediums, 3070; 1787-1789; 1805].

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature of Klarfeld to the system of Tantawy as an essential means to increase the quality of the broadcast validation by providing a number of contents available for viewers in accordance with the viewer profiles.

Referring to claim 2, Tantawy and Klarfeld teach the invention substantially as claimed. Klarfeld further teaches a surveillance step of an effective diffusion time and date, and a structural configuration of the diffuser [0199; 0205; 0213-0214].

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Referring to claim 3, Tantawy and Klarfeld teach the invention substantially as claimed. Tantawy further teaches a verification step of a diffusion of a digital content on the basis of effective diffusion parameters [packet ID; connection ID, col. 10, lines 35-36].

Referring to claim 4, Tantawy and Klarfeld teach the invention substantially as claimed. Tantawy further teaches inputting and storing the third set of data by the supplier on a secured medium [103 of fig. 1], and transmitting the medium to the diffuser to be electronically transferred into its database [col. 3, lines 50-61; col. 9, lines 25-54].

Referring to claim 5, Tantawy and Klarfeld teach the invention substantially as claimed. Tantawy further teaches storing report electronically, and transmitting the report to the supplier [col. 3, lines 50-61; col. 9, lines 25-54].

Referring to claim 6, Tantawy and Klarfeld teach the invention substantially as claimed. Tantawy further teaches that the diffuser has an electronic signature and wherein the electronic report is signed by the electronic signature [send a FIN (Finish) message to the Broadcast Control Center, col. 5, lines 13-15 with “-1: error” or “0: success”].

### ***Response to Arguments***

4. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

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Applicant argues that Tantawy does not teach the new added feature of introducing characteristics of different equipments intended for broadcasting in order to set the first set of data. Examiner believes that Tantawy teaches the structural configuration of the broadcast, with the exception of teaching introducing characteristics of different equipments intended for broadcasting in order to set the first set of data. However, Klartfeld teaches introducing characteristics of different equipments intended for broadcasting in order to set the first set of data by using different set of programs for different demographic characteristics [0131; 0142] and sending advertisements on different channels or digital multiplex streams, using different delivery mediums to the first set of data as a structural configuration of the broadcast [see 3070; 1787-1789; 1805].

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy N. Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thuy N. Pardo/  
Primary Examiner, Art Unit 2168